

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GRASS VALLEY,

Plaintiff,

v.

NEWMONT MINING CORPORATION, et al.,

Defendants.

2:04-cv-149-GEB-DAD

ORDER*

Plaintiff moves to file a Second Amended Complaint. (Pl.'s Mem. of P. & A. at 2.) Defendants only oppose Plaintiff's proposed addition of a claim for attorney fees. (Defs.' Opp'n at 2.) Plaintiff concedes that this claim need not be made at this time and is willing to strike this claim from the Proposed Second Amended Complaint. (Pl.'s Reply at 2.)

Plaintiff's motion to file a Second Amended Complaint (1) deleting its claim for contribution under section 113(f) of CERCLA, 42 U.S.C. § 9613(f); (2) asserting an implied right of contribution under CERCLA section 107(a), 42 U.S.C. § 9607(a); (3) deleting references to

* This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 "mill sands" and "mine tailings"; (4) deleting the RCRA, 42 U.S.C. §
2 6972, cause of action; (5) including a citation to 42 U.S.C. §
3 113(g)(2) to clarify Plaintiff's request for declaratory relief; and
4 (6) including a specific prayer for punitive damages is granted.¹
5 Plaintiff has ten days from the date on which this Order is filed to
6 file the above referenced Second Amended Complaint.

7 IT IS SO ORDERED.

8 Dated: September 15, 2006

9
10 /s/ Garland E. Burrell, Jr.
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 ¹ The good cause standard is not reached since the parties'
28 agreement on modification to the Status Order can be made without
adversely affecting the Court's docket.